

HOUSE BILL No. 1386

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3; IC 7.1-4; IC 7.1-5-3.

Synopsis: Sale of growlers by package liquor stores. Creates a supplemental package liquor store permit (supplemental permit) that the alcohol and tobacco commission may issue to a person who holds a beer dealer permit and is the proprietor of a package liquor store. Allows the holder of a supplemental permit to: (1) fill or refill containers by transferring beer from a brewery-sealed keg to the container; and (2) sell the beer to consumers for consumption off the licensed premises. Provides that a container filled or refilled by the supplemental permit holder may: (1) have a liquid capacity of not more than 64 ounces; and (2) be provided by the consumer or sold to the consumer by the holder of the supplemental permit. Prohibits a container from being filled or refilled by the holder of the supplemental permit before the sale of the beer to the consumer. Provides that statutes prohibiting the refilling of an alcoholic beverage container and selling beer in a container that was not packaged and sealed by the brewer do not apply to the holder of a supplemental permit. Provides that the supplemental permit is an annual permit with a fee of \$150 dollars per year. Provides that fees collected from the supplemental permit are deposited in the alcohol and tobacco commission enforcement and administration fund.

Effective: July 1, 2014.

GiaQuinta

January 15, 2014, read first time and referred to Committee on Public Policy.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1386

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-3-5-6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2014]: **Sec. 6. The commission may issue a supplemental package**
- 4 **liquor store permit under IC 7.1-3-28 to a person who holds a beer**
- 5 **dealer's permit and is the proprietor of a package liquor store.**
- 6 SECTION 2. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2014]:
- 9 **Chapter 28. Supplemental Package Liquor Store Permit**
- 10 **Sec. 1. As used in this chapter "container" means a refillable,**
- 11 **resealable container that:**
- 12 **(1) is intended only for and used only for the sale of beer; and**
- 13 **(2) has a liquid capacity of not more than sixty-four (64)**
- 14 **ounces.**
- 15 **Sec. 2. The commission may issue a supplemental package**
- 16 **liquor store permit to a person who holds a beer dealer permit**



under IC 7.1-3-5 as the proprietor of a package liquor store.

Sec. 3. (a) A supplemental package liquor store permit allows the permit holder to do the following:

(1) Fill or refill a container with beer by transferring the beer to the container from a brewery sealed keg. The container may be provided by the consumer or purchased from the permit holder.

(2) Sell the beer transferred in the manner described in subdivision (1) to consumers for consumption off the licensed premises.

(3) Fill or refill with beer an empty container that is:

(A) provided by the consumer; or

(B) sold by the permit holder to the consumer.

(b) The holder of a supplemental package liquor store permit may not fill or refill a container before the sale of the beer to the consumer.

(c) The holder shall comply with any requirements under law regarding the labeling and sealing of the container.

Sec. 4. The holder of a supplemental package liquor store permit may perform the actions described in section 3 of this chapter only:

(1) on the licensed premises of the holder's package liquor store; and

(2) at the times allowed under IC 7.1-3-1-14 under the holder's dealer permit.

SECTION 3. IC 7.1-4-4.1-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.5. A supplemental package liquor store permit is an annual permit. The fee for a supplemental package liquor store permit is one hundred fifty dollars (\$150) per year.**

SECTION 4. IC 7.1-4-11-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. The commission shall deposit into the enforcement and administration fund established under IC 7.1-4-10, all fees collected for a supplemental package liquor store permit under IC 7.1-4-4.1-12.5.**

SECTION 5. IC 7.1-5-3-1, AS AMENDED BY P.L.6-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1. (a) This section does not apply to the following:**

(1) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).



(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(3) A package liquor store that sells beer under a supplemental package liquor store permit issued under IC 7.1-3-28.

(b) It is unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at the brewer's bottling house contiguous or adjacent to the brewery in which the beer was produced.

SECTION 6. IC 7.1-5-3-4, AS AMENDED BY P.L.6-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section does not apply to the following:

(1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(4) A person who:

(A) refills a container with beer; or

(B) possesses a container that has been refilled with beer; in accordance with a supplemental package liquor store permit issued under IC 7.1-3-28.

(b) It is unlawful for a person to:

(1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or

(2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

